

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LISA BROCHEY
5885 Shawnee Road
Sanborn, New York 14132,

Plaintiff,

v.

SUMMONS

Index No.

DELTA AIRLINES, INC.
1030 Delta Boulevard
Atlanta, Georgia 30320,

Corporation Service Company
80 State Street, Albany, New York 12207,

REPUBLIC AIRWAYS, INC.
8909 Purdue Road, Suite 300
Indianapolis, Indiana 46268,

Corporation Service Company
80 State Street, Albany, New York 12207,

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

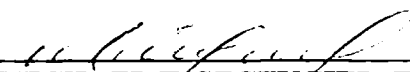
YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Plaintiff's attorneys, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service, you must respond within twenty (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York, you must respond within thirty (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a Judgment will be entered against you by default for the relief demanded in the Complaint without further notice to you.

This action is brought within the County of Erie and the State of New York because of the residence of the Plaintiff.

DATED: December 10, 2021
Buffalo, New York



MICHAEL T. SZCZYGIEL, ESQ.
COLLINS & COLLINS ATTORNEYS, LLC
Attorneys for Plaintiff
267 North Street
Buffalo, New York 14201
(716) 885-9700

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LISA BROCHEY,

Plaintiff,

COMPLAINT

v.

Index No.

DELTA AIRLINES, INC. and
REPUBLIC AIRWAYS, INC.,

Defendants.

The Plaintiff, LISA BROCHEY, by and through her attorneys, Collins & Collins Attorneys, LLC, as and for her Complaint against the Defendants, DELTA AIRLINES, INC. and REPUBLIC AIRWAYS, INC., alleges:

1. Plaintiff, LISA BROCHEY, at all times hereinafter mentioned, was and still is a resident of the County of Niagara and State of New York.
2. At all times relevant herein, Defendant, DELTA AIRLINES, INC., (hereafter "DELTA"), was and still is a foreign business corporation authorized to do business in the State of New York with principal offices located in Atlanta, Georgia.
3. At all times relevant herein, the Defendant, REPUBLIC AIRWAYS, INC., (hereafter "REPUBLIC"), was and still is a foreign business corporation authorized to do business in the State of New York with principal offices located in Indianapolis, Indiana.
4. As a common carrier, Defendants DELTA and REPUBLIC have a duty to provide passengers with a reasonable degree of care.

5. On December 17, 2018, the Plaintiff, LISA BROCHEY, was lawfully and properly present on the DELTA flight no. 6053 from Buffalo, New York to LaGuardia leaving from the Buffalo/Niagara Airport located at 4200 Genesee Street, Buffalo, New York 14225.

6. On December 17, 2018, the Plaintiff, LISA BROCHEY, was lawfully and properly present on the REPUBLIC flight no. 6053 from Buffalo, New York to LaGuardia leaving from the Buffalo/Niagara Airport located at 4200 Genesee Street, Buffalo, New York 14225.

7. On December 17, 2018, the Plaintiff, LISA BROCHEY, was lawfully and properly present on the DELTA flight operated by REPUBLIC flight no. 6053 from Buffalo, New York to LaGuardia leaving from the Buffalo/Niagara Airport located at 4200 Genesee Street, Buffalo, New York 14225.

8. During the flight, Plaintiff was seriously injured when a food and/or beverage cart rolled down the aisle and struck her head.

**AS AND FOR A FIRST CAUSE OF ACTION, AGAINST DEFENDANT DELTA,
PLAINTIFF ALLEGES:**

9. Plaintiff repeats and realleges paragraphs “1” through “8” of this Complaint as if specifically set forth herein.

10. On and before December 17, 2018, the Defendant DELTA, their agents, contractors, servants, and/or employees, was responsible for the operation, control, maintenance, repairs, and/or inspections of all exterior and interior assets, including food and/or beverage service carts.

11. On and before December 17, 2018, the Defendant DELTA, their agents, contractors, servants, and/or employees, had a duty to exercise reasonable and ordinary care in the operation, control, maintenance, repairs, and/or inspections of all exterior and interior assets,

including food and/or beverage service carts, to ensure same were in working order, in reasonably fit and safe condition free of defects, and safely and properly maintained and controlled so as not to endanger passengers.

12. Defendant DELTA, their agents, contractors, servants, and/or employees, failed to exercise reasonable and ordinary care to ensure that the aircraft and subject food and/or beverage cart was in reasonably fit and safe condition free of defects, and safely and properly maintained and controlled so as not to endanger passengers.

13. As a result of the aircraft and subject food and/or beverage cart not being in reasonably fit and safe condition free of defects, and safely and properly maintained and controlled so as not to endanger passengers, Plaintiff was seriously injured when a food and/or beverage cart rolled down the aisle and struck her head which caused Plaintiff to suffer serious, permanent, and painful injuries by reason of which the Plaintiff will suffer damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

14. This action falls within the exceptions set forth in C.P.L.R. § 1602.

15. The Plaintiff demands a trial by jury.

**AS AND FOR A SECOND CAUSE OF ACTION, AGAINST DEFENDANT REPUBLIC,
PLAINTIFF ALLEGES:**

16. Plaintiff repeats and realleges paragraphs “1” through “15” of this Complaint as if specifically set forth herein.

17. On and before December 17, 2018, the Defendant REPUBLIC, their agents, contractors, servants, and/or employees, was responsible for the operation, control, maintenance, repairs, and/or inspections of all exterior and interior assets, including food and/or beverage service carts.

18. On and before December 17, 2018, the Defendant REPUBLIC, their agents, contractors, servants, and/or employees, had a duty to exercise reasonable and ordinary care in the operation, control, maintenance, repairs, and/or inspections of all exterior and interior assets, including food and/or beverage service carts, to ensure same were in working order, in reasonably fit and safe condition free of defects, and safely and properly maintained and controlled so as not to endanger passengers.

19. Defendant REPUBLIC, their agents, contractors, servants, and/or employees, failed to exercise reasonable and ordinary care to ensure that the aircraft and subject food and/or beverage cart was in reasonably fit and safe condition free of defects, and safely and properly maintained and controlled so as not to endanger passengers.

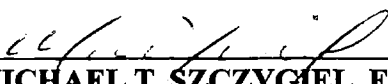
20. As a result of the aircraft and subject food and/or beverage cart not being in reasonably fit and safe condition free of defects, and safely and properly maintained and controlled so as not to endanger passengers, Plaintiff was seriously injured when a food and/or beverage cart rolled down the aisle and struck her head which caused Plaintiff to suffer serious, permanent, and painful injuries by reason of which the Plaintiff will suffer damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

21. This action falls within the exceptions set forth in C.P.L.R. § 1602.

22. The Plaintiff demands a trial by jury.

WHEREFORE, the Plaintiff, LISA BROCHEY, hereby claims and demands judgment against the Defendants, DELTA AIRLINES, INC. and REPUBLIC AIRWAYS, INC., for her first and second causes of action, and for such other and further relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: December 10, 2021
Buffalo, New York



MICHAEL T. SZCZYGIEL, ESQ.
COLLINS & COLLINS ATTORNEYS, LLC
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